limitation of the shielding cage being a die-cast member does not result in a structural difference. This is incorrect. The product claimed in claim 15 is different from the product disclosed in Benzoni.

The examiner is directed to MPEP 2113. As stated in this section of the MPEP,

> "The structure implied by the process steps should be considered when assessing the patentability of product-by-process claims over the prior art, especially where the product can only be defined by the process steps by which the product is made, or where the manufacturing process steps would be expected to impart distinctive structural characteristics to the final product. See, e.g., *In re Garnero*, 412 F.2d 276, 279, 162 USPQ 221, 223 (CCPA 1979) (holding "interbonded by interfusion" to limit structure of the claimed composite and noting that terms such as "welded," "intermixed," "ground in place," "press fitted," and "etched" are capable of construction as structural limitations.)"

In the present case, "wherein the shielding cage is a die-cast member" has structural attributes which the metal platted housing 20 of Benzoni does not have.

Benzoni merely discloses that the housing 20 comprises a molded non-conductive member; such as molded plateable engineering grade plastic (column 2, lines 26-27 and 38-40). Surfaces of the housing 20 are plated with an electrically conductive material, such as copper (column 3, lines 29-31). A plastic member plated with metal is different from a die-

**cast member.** A die-cast member is more robust than a plastic member having a plated surface. A die-cast member has different electrical conductivity than a plastic member having a plated surface; plastic is electrically insulative. A die-cast member has less resistance to conduct heat than a plastic member having a plated surface. A plastic member is more resistant to heat conduction than a die-cast member. A die-cast member can absorb more energy than a plastic member having a plated surface, such as when heating a solder pin; the terminal resistance fuse point is higher for a die cast member. In view of all of these structural differences between what is disclosed in Benzoni and what is claimed in claim 15, it simply does not make sense for the examiner to state that there are no structural differences.

The structure of a die-cast member is different than the structure of a plastic member having a plated surface. Failure of the examiner to give the limitation "wherein the shielding cage is a die-cast member" patentable weight is reversible error. In the present case, the "die cast" is not "purely" a process limitation; it is also a structural limitation. Following MPEP 2113, in this case the manufacturing process steps clearly should be expected to impart distinctive structural characteristics to the final product. In this case, the product can only be defined by the process steps by which the product is made. MPEP 2113 states that the structure implied by the process steps should be considered when assessing the patentability of product-by-process claims over the prior art, especially in this type of situation. Therefore, it appears to be improper for the examiner not to consider the structure implied by the "die

cast" member in this case. The examiner is requested to reconsider his rejections of the claims in view of the comments noted above.

Independent claim 26 claims that "said walls and mounting tails comprise a die cast member." Benzoni does not disclose or suggest walls and mounting tails which comprise a die cast member. Independent claim 37 claims that "said walls and said mounting tails are parts of a single die cast member." Benzoni does not disclose or suggest walls and mounting tails which are parts of a single die cast member. In this case, the structural attributes of a die cast member distinguishes the claimed invention over the housing 20 comprised a molded non-conductive member (such as molded plateable engineering grade plastic) plated with an electrically conductive material (such as copper) described in Benzoni.

Again, a die-cast member is more robust than a plastic member having a plated surface. A die-cast member has different electrical conductivity than a plastic member having a plated surface; plastic is electrically insulative. A die-cast member has less resistance to conduct heat than a plastic member having a plated surface. A plastic member is more resistant to heat conduction than a die-cast member. A die-cast member can absorb more energy than a plastic member having a plated surface, such as when heating a solder pin; the terminal resistance fuse point is higher for a die cast member. In view of all of these structural differences between what is disclosed in Benzoni and what is claimed in claims 26 and 37, it simply does not make sense for the examiner to state that there are no structural differences.

**The product claimed in claims 26 and 37 is different from the product disclosed in Benzoni.** Benzoni does not disclose or suggest walls and mounting tails which comprise a die cast member as claimed in claim 26 or walls and mounting tails which are parts of a single die cast member as claimed in claim 37.

Though the claims dependent upon the independent claims contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable independent claims. However, to expedite prosecution at this time, no further comment will be made.

Favorable reconsideration and allowance is respectfully requested. Should any unresolved issue remain, the examiner is invited to call applicant's attorney at the telephone number indicated below.

Respectfully submitted,

Mark F. Harrington (Reg. No. 31,686) 9/13/07

Date

**Customer No.: 29683**
Harrington & Smith, PC
4 Research Drive
Shelton, CT 06484-6212
203-925-9400

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